

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, August 30, 2018 10:47 AM
To: Sanchez, Rodzandra (COE)
Subject: 18-212 Osmany Leon, Parking Enforcement Officer, City of Miami Beach, RE: Outside employment (k), (j), INQ 18-212

18-212 Leon

From: Perez, Martha D. (COE)
Sent: Thursday, August 30, 2018 10:35 AM
To: osmany <osmany_leon@yahoo.com>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Osmany Leon, Parking Enforcement Officer, City of Miami Beach, RE: Outside employment (k), (j), INQ 18-212

Dear Mr. Leon,

You inquire whether there is a conflict of interest between your outside employment and your position in the City of Miami Beach as parking enforcement officer. You were previously approved for outside employment as a pharmacy technician but now you are being denied your request to continue with your outside employment and, as per your email, you were not given an explanation for the denial.

With regard to the denial or approval for outside employment, the Ethics Commission has clarified that the final decision to grant an employee permission to engage in outside employment rests with the employee's department director. Such decision may be based on staffing needs, departmental policies, collective bargaining agreements, personnel issues, performance issues, conflicts of interest, etc. See RQO 00-10, RQO 12-07, INQ 18-24

Although this office may assist your department director from the perspective of whether there is a legal conflict between your outside employment and your municipal duties, final determination as to whether you should engage in outside employment rests with him or her and *this office will not interfere with your Department's decision*. See INQ 17-48

This response is based on the facts as presented by Mr. Leon. No additional information has been requested as this matter concerns an administrative decision.

Sincerely,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
19 West Flagler St. Suite 820
Miami, FL 33130
(305)350-0656
PEREZMD@miamidade.gov

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From: osmany [mailto:osmany_leon@yahoo.com]
Sent: Thursday, August 30, 2018 9:19 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: Re: Outside employment

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Miami Beach and it was approved before and now is being denied with none explanation and I have to keep at least 2 hours a month to keep my license active...
thanks

[Sent from Yahoo Mail for iPhone](#)

On Thursday, August 30, 2018, 8:42 AM, Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov> wrote:

Good morning,

Mr. Leon, could you please advise which municipality you work at? At first glance, it would appear that if your government position is parking enforcement officer and your proposed outside work is pharmaceutical tech., these are not in conflict, HOWEVER, I cannot respond to your inquiry without knowing the outside employment procedures in your municipality, at a minimum. For example, your agency may require you to seek approval from your supervisor, who may approve or deny without the necessity of an ethics opinion. In other words, there are several contingencies on outside employment which are different in the County and the 34 municipalities.

Thank you.

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

[\(305\)350-0656](tel:(305)350-0656)

PEREZMD@miamidade.gov

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From: osmany [mailto:osmany_leon@yahoo.com]
Sent: Thursday, August 30, 2018 8:35 AM

To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>

Subject: Re: Outside employment

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Thank you Martha, as I red the section, it stays that as far as it's not conflict with the county or municipality you could do the outside employment.. could you advise if there is a conflict on being a pharmacy technician on a retail pharmacy and being a City partaking enforcement officer??? I didn't seem it as a conflict on the section, but could you advise??

[Sent from Yahoo Mail for iPhone](#)

On Tuesday, August 21, 2018, 10:44 AM, Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov> wrote:

Good morning Mr. Leon,

This office is always glad to assist with inquiries on ethical issues. If you are an employee who is the subject of the inquiry, then you must indicate this in your request. Based on the *general* tone of your inquiry, it is unclear whether you are a person personally affected by the issue (i.e. requesting outside employment), as required under Section 2-1074 (y) of the Miami-Dade County Code.

As a matter of *general* information, I have attached the Ethics Commission's Outside Employment Guidelines (2017) and "Who Must File" memorandum for your review which may also be found on our website at <http://ethics.miamidade.gov/ethics> . I encourage you to visit the website for additional information. Please note, **you must check with your specific municipality for ordinances, regulations, orders and procedures to request outside employment.**

If you have additional questions, do not hesitate to contact me.

Sincerely,

Martha D. Perez

Staff Attorney

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST

19 West Flagler St. Suite 820

Miami, FL 33130

[\(305\)350-0656](tel:(305)350-0656)

PEREZMD@miamidade.gov

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From: Ethics (COE)
Sent: Tuesday, August 21, 2018 9:51 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: FW: Outside employment

Please handle.

From: osmany [mailto:osmany_leon@yahoo.com]
Sent: Monday, August 20, 2018 4:50 PM
To: Ethics (COE) <ethics@miamidade.gov>
Subject: Outside employment

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Good afternoon,

What are the rules for outside employment for municipal employees ? Could you explain it to me???